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designating a chosen number of said initial displayed symbols for replacement;
selecting said chosen number of replacement symbols;
replacing said chosen number of initial symbols on said monitor with replacement symbols;
determining whether said replacement symbols and any remaining initial symbols arrayed in multiple symbol columns and rows constitute a winning combination; and,
rewarding a winning combination.

2. (Amended) The method of claim 1 wherein game play is [can] only [be] commenced if it is determined that an appropriate amount of money has been inserted into the gaming apparatus.

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4. (Amended) The method of claim 1 wherein symbols are [can be] designated for replacement and [be] replaced on multiple occasions before it is determined whether a winning combination exists.

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6. (Amended) The method of claim 1 wherein only one symbol is [can be] designated for replacement.

7. (Amended) The method of claim 1 wherein multiple symbols are [can be] designated for replacement.

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13. (Amended) The method of claim 1 wherein each said replacement symbol is selected from a group which includes [may be the same as] the initial symbol it replaces.

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15. (Amended) The method of claim 14 wherein said replacement symbol is [may be itself] replaced at the player's option if it is the same as the initial symbol it replaces.

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18. (Amended) A method of operating an electronic gaming apparatus having a plurality of symbols and background colors arrayed in multiple columns and rows on its monitor comprising the steps of:

selecting initial symbols and initial background colors for said symbols to be so arrayed in said multiple [symbol] columns and rows;

designating a chosen number of said initial symbols and initial background colors for replacement;

selecting said chosen number of replacement symbols and background colors;

replacing said chosen number of initial symbols and initial background colors on said monitor with replacement symbols and replacement background colors; and,

determining whether said replacement symbols and replacement background colors together with any [the] remaining initial symbols and initial background colors arrayed in multiple columns and rows constitute a winning combination; and,

rewarding a winning combination.

20. (Amended) An electronic gaming apparatus comprising:

a monitor for displaying a plurality of symbols arrayed in multiple symbol columns and rows;

a memory which stores a list of possible symbols to be displayed on said monitor;

a microprocessor to select symbols from said memory for display on said monitor and to determine whether a final group of displayed symbols creates a winning or losing game;

a first switch to initiate game play by causing the microprocessor to select an initial set of symbols and display those initial symbols arrayed in multiple symbol columns and rows on said monitor; and,

a second switch to complete game play by [always] allowing the player to choose for replacement [at least] one or more [, but not all,] of said initial symbols and have

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said microprocessor randomly select said replacement symbols from a [full] list of possible symbols in said memory and then display on said monitor said replacement symbols together with any [the] remaining initial symbols to create said final group of displayed symbols arrayed in multiple symbol columns and rows.

21. (Amended) The electronic gaming apparatus of claim 20 wherein said player chooses initial symbols for replacement by [simply] designating which initial symbols to replace.

REMARKS

Claims 1-13 and 15-30 are in this case for consideration. Claims 1, 2, 4, 6, 7, 13, 15, 18, 20 and 21 have been amended. Claim 14 has been canceled, without prejudice, to expedite prosecution. As a courtesy, an Appendix is provided at the conclusion of this Amendment with all the pending claims presented, as amended.

A. Formal Matters

Claims 20 and 26-30 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 6-9 of Applicant's U.S. Patent No. 5,704,835. In order to moot this basis of rejection, Applicant is submitting an appropriate form of "Terminal Disclaimer" with this Amendment.

Claims 2, 4, 6, 7, 13, 14 and 15 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. In particular, the phrases "can be" and "may be" appearing in those claims have been found to be ambiguous. In order to overcome this basis of rejection, Applicant has amended claims 2, 4, 6, 7, 13 and 15 to remove the phrases "can be" and "may be" and, in their place, substitute more definite language.

Claims 23 and 25 have been rejected under 35 U.S.C. § 112, fourth paragraph, for purportedly not adding further limitations to base claim 20. Applicant respectfully disagrees. As explained in Applicant's specification, "[i]n the preferred embodiment, the player is given the opportunity to touch one or more of the display boxes 32, rows of display boxes 32 or columns of display boxes 32 which he wants changed and press the respin box 62